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RANDY S. FUSS

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

THE HOUSEHOLDER GROUP LLLP, an  
 Arizona Limited Liability Limited  
 Partnership,

Plaintiff,

v.

RANDY S. FUSS, an individual,

Defendant.

Case No.: C 07-0573 SI

**STIPULATION TO ASSIGNMENT OF  
 SUBSTITUTE MAGISTRATE FOR  
 SETTLEMENT CONFERENCE;  
 [PROPOSED] ORDER**

RANDY S. FUSS,

Counter-Claimant,

v.

THE HOUSEHOLDER GROUP LLLP, an  
 Arizona Limited Liability Limited  
 Partnership,

Counter-defendant.

1 Plaintiff and Counter-Defendant The Householder Group and Defendant and Counter-  
2 Claimant, Randy S. Fuss, by and through counsel of record, hereby stipulate as follows:

3 1. At the May 23, 2008 Case Management conference, the parties agreed to  
4 participate in a settlement conference before a magistrate judge. On May 28, 2008, Magistrate  
5 Judge Larson was appointed to conduct the settlement conference.

6 2. The original settlement conference was to be conducted the last two weeks in July  
7 2008, but was postponed until the parties obtained rulings on their respective Motions for  
8 Summary Judgment. Those motions were decided on July 22, 2008.

9 3. At the oral arguments for the summary judgment motions (which were heard on  
10 July 18, 2008), the Court ordered the parties to conduct the settlement conference on or before the  
11 next case management conference which is to occur on October 10, 2008.

12 4. The parties have met and conferred and are available for a settlement conference  
13 on any date between September 24, 2008 and October 9, 2008. Counsel for Fuss has contacted  
14 Judge Magistrate Larson and has been informed that Judge Larson is unavailable during those  
15 weeks.

16 5. Accordingly, the parties stipulate to the substitution of a new magistrate judge for  
17 the settlement conference. The appointment of a new magistrate judge will permit the parties to  
18 conduct a settlement conference before the October 10, 2008 case management conference in  
19 compliance with the Court's order.

20 Dated: August 11, 2008

BENNETT, CARMICHAEL & KENNEDY, L.L.P.

21 By: /s/ David Carmichael  
22 David H. Carmichael

23 Attorneys for Plaintiff

24 Dated: August 11, 2008

MARKUN ZUSMAN & COMPTON LLP

25 By: /s/ Amir Tadjedin  
26 Amir Tadjedin

27 Attorneys for Defendant and Cross-Claimant Randy S. Fuss  
28

**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The previously scheduled settlement conference and assigned magistrate are modified as follows:

Settlement Conference: September/ October, 2008.

Assignment of Magistrate:

Dated: \_\_\_\_\_



Hon. Susan Illston  
United States District Judge